

19 APR 1972

CIA 1.02 Taylor, Rufus

SOC. 4.05.2 Rope Dancer  
- Alfred Knopf

## 10-DAY-COURT ORDER

## Ex-CIA Official's Disclosures Halted

A federal judge, acting at the Justice Department's request, has ordered a former Central Intelligence Agency official to stop talking to news media and publishers about government secrets.

The order issued yesterday by U.S. District Judge Albert V. Bryan Jr. of Alexandria is aimed at Victor L. Marchetti, 42, of Vienna, Va., who resigned from the CIA in August, 1969.

Bryan's order will last for ten days, and at the end of that period — on April 28 — the judge will hold a hearing to determine whether to keep the order in effect.

The Justice Department identified Marchetti as a staff member of the CIA from 1955 through 1969. During his employment, the department said, he served for a time as executive assistant to Vice Admiral Rufus Taylor, who was then CIA's deputy director.

**"The Rope Dancer"**

After leaving the CIA Marchetti wrote "The Rope Dancer" which was published last year by Grosset & Dunlap of New York and he also has an article in the April issue of the *Nation* magazine entitled "CIA — The President's Loyal Tool."

In a complaint yesterday, the Justice Department said that Marchetti has been talking repeatedly to news media representatives and disclosing to them secrets about U.S. intelligence operations.

The government filed with the judge and has asked him to keep secret copies of a magazine article which, the complaint said, has been sold for publication, and a typewritten

copy of a proposal for a full-length book dealing with CIA operations.

Marchetti said last night that he had a contract with Alfred A. Knopf, Inc., to write a nonfiction book about the agency but that he had not begun to write it.

Marchetti said that his book would be "a balanced attempt to try to explain how the agency works." He said he had agreed to submit it to the agency for scrutiny before it was published.

**Critical, Reavealing**

"I don't know what they're getting so excited about," Marchetti said. "I'm kind of confused as to why they're going to these lengths."

The article, the complaint said, was prepared by Marchetti under the title, "Twilight of the Spooks." Justice Department spokesmen would not confirm a report that the magazine involved is *Esquire*.

In New York, however, an *Esquire* editor, Donald Erickson, said *Esquire* had considered Marchetti's article but decided several weeks ago, with the amicable concurrence of the author, not to publish it, the Associated Press reported.

**Literary Reasons**

Erickson said the rejection was made for literary reasons and not in fear that the government might move to stop its publication.

David Obst, Marchetti's literary representative, told the New York Times he had withdrawn the article from *Esquire* because he did not want the information to be pub-

lished before Marchetti's proposed book was written.

Obst said that he did not know how the government obtained a copy of the *Esquire* article but said that he had sent it to several major book publishers in an attempt to sell Marchetti's proposed book.

CIA Director Richard Helms, in a document filed with the court, said that both of these items contain intelligence data that, if disclosed, would "compromise" current spying operations, cause "grave and irreparable harm" to defense interests, and "seriously disrupt" U.S. foreign relations.

**Legal Dispute**

The government challenge to Marchetti potentially raises a new dispute, like that involving last year's newspaper publication of the Pentagon Papers, over published revelations of U.S. secrets.

Ralph J. Temple, legal director of the Washington office of the American Civil Liberties Union said that the ACLU would represent Marchetti, according to the New York Times.

Temple said that yesterday's order represented "the first time the government has gotten a restraining order against original written materials."

He said that this case was different from that of the Pentagon papers. In that case, he said, the government was trying to prevent the publication of classified government documents rather than publication of an original work.

While Bryan's order does not specifically forbid any magazine or publisher by

name to disclose material from Marchetti, the order is aimed at "persons in active concert or participation with" Marchetti in disclosure of U.S. secrets.

Besides banning further disclosures temporarily, the court order requires Marchetti to submit to the CIA 30 days in advance any article — including fiction — dealing with CIA operations.

**Return Documents**

In addition, Marchetti is ordered to return any CIA documents he has, and any notes or memos he has written about them.

Should Bryan's order have the effect of interfering with a magazine's plan to publish Marchetti's article, this could lead to a major court test over freedom of the press.

Last year, in a 6-3 decision in the Pentagon Papers case, the Supreme Court ruled that the government could not prevent newspaper disclosures of those secret papers.

The government's challenge to Marchetti is based primarily on a claim that he has violated a contract he signed when he became a CIA employee pledging not to disclose or reveal any secret data unless he was given permission by the CIA director to do so.

CIA director Helms told Bryan in a document yesterday that Marchetti has been given no permission to disclose any secrets.

Among the materials filed with the judge yesterday was a list of 35 instances in which the government said Marchetti had been interviewed or quoted by news media, here or abroad.

Obst, David

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SOC. 4.01.1 New York Times